GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Proh. & Excise Department – Smt. M.Padmavathi, Prohibition & Excise Sub-Inspector and presently working as P&E Inspector – Declaration of probation – Orders – Issued.

REVENUE (EXCISE) DEPARTMENT

G.O.Rt.No.310 **Dated: 13.03.2024.**

Read the following:-

1. From the CPE, AP, Lr. Cr. No. 12027/12/2023/CPE/B4,Dated:14.07.2023.
2. Govt. Memo No.REV01-CPE0MISC/211/2023-Excise, Dated 19.09.2023.
3. From Smt. M.Padmavathi, P&E Inspector, APSBCL, IML Depot, Kurnool representation dated 19.12.2023 and 15.02.2024.

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O R D E R :

In the reference 1st read above, the Commissioner of Prohibition & Excise, A.P., Vijayawada has stated that Smt. M.Padmavathi, Proh. & Excise Sub-Inspector 2005 DR Batch of Kurnool Division has submitted that she could not pass the departmental exams within the prescribed period of probation and passed the same in August, 2009 because the APPSC conducted the departmental exams scheduled to be conducted in May 2008, November, 2008 and May, 2009 (3 schedules) at a time in August, 2009 and therefore she has requested to extend the probation period. The Commissioner of Prohibition & Excise, A.P., Vijayawada has stated that Smt. M.Padmavathi is DR, P& ESI joined duty on 30.03.2005. As per rule-10 of A.P. Prohibition & Excise Subordinate Service Rules, 1998, every person appointed by Direct Recruitment to the post of Proh. & Excise Sub-Inspector shall pass the following tests within the period of probation:

i) Excise Departmental Tests – A, B, C & D
ii) Account Test for Executive Officers
iii) Third class language tests in Telugu and Hindi/Urdu

2. Further, the Commissioner of Prohibition & Excise, A.P., Vijayawada has stated that as verified from the Service Book of Smt. M.Padmavathi, Proh. & Excise Sub-Inspector, she has passed the above tests as shown below:

Sl. No.	Name of the Departmental Tests	Registra-tion No.	Held on	Remarks
1	Accounts Test for Executive Officers	20223082	22.01.2006 FN	Results published in APPSC Udyoga Samacharam-July-2006
2	Excise Department Test-A (Civil and Criminal Law)	20220079	19.02.2006 AN	Results published in APPSC Udyoga Samacharam-July-2006
3	Excise Department Test-B (Acts and Rules)	20220079	20.01.2006 F.N	Results published in APPSC Udyoga Samacharam-July-2006

4	Excise Department Test-C (Excise Manual without books)	10220060	11.09.2006	Results published in APPSC Udyoga Samacharam-April-2007
5	Excise Department Test-C (Excise Manual with books)	10220060	08.09.2006	Results published in APPSC Udyoga Samacharam-April-2007
6	Excise Department Test-D (Distillery Manual without books)	20220079	21.01.2006	Results published in APPSC Udyoga Samacharam-July-2006
7	Excise Department Test-D (Distillery Manual with books)	20220079	24.01.2006	Results published in APPSC Udyoga Samacharam-July-2006
8	Account Test for Subordinate Officers Part-I	22005939	19.08.2009	Website press note of APPSC 07.01.2010
9	Language Exemption	The individual is exempted from passing the language tests in Telugu and Hindi as she passed SSC examination in March proceedings issued vide Rc.No.A2/239/2007, Dated:19.06.2007.		

3. As seen from the above, Sri M.Padmavathi has passed departmental tests viz., Accounts Test for Subordinate officers Part-I on 19.08.2009 which is required to get next promotion cadre i.e. Prohibition & Excise Inspector.

4. The Rule 16(h) of Andhra Pradesh State and Subordinate Service Rules, 1996 stipulates as follows:

> "Notwithstanding anything contained in the special rules or sub-rule(a) and (b) of rule 33, a probationer who does not pass the prescribed tests or acquire the prescribed special qualifications within the period of probation or within the extended period of probation under rule 17 and whose probation is further extended by the Government by an order under rule 31, till the date of his passing such tests or acquiring such qualifications, shall be deemed to have commenced the probation with effect from the date to be fixed by the Government, which would be anterior to a date to his passing such tests or acquiring such special qualifications, so, however, that the interval between the two dates shall be equivalent to the prescribed period of probation, whether on duty or otherwise and seniority of such probationer shall be determined with reference to the date so fixed."

5. As per the Rule 16(h), the probation period of the individual has to be extended till passing of last test i.e. 19.08.2009 and she shall be deemed to have commenced her probation (2) years anterior to the said date. Further, the Govt. alone is competent to extend the probation period of the individual as above.

6. The Secretary, Andhra Pradesh Public Service Commission, Hyderabad in his letter dt.07.05.2010 has furnished the information showing the details of Departmental Tests Exams conducted by Andhra Pradesh Public Service Commission in the year 2007 and 2008:

Sl. No.	Notification No./Session	Date of Notification	Dates of Examination	Month of Result Publication
1.	19/2006 November,2006	23.02.2007	14.06.2007	September, 2007
2.	14/2007 May, 2007	15.11.2007	07.02.2008 to 12.02.2008	July, 2008
3.	6/2008 November, 2007	08.08.2008	16.10.2008 to 21.10.2008	March, 2009
4.	5/2009 May, 2009 clubbed with May, 2008, and November, 2008 Session	15.06.2009	19.08.2009 to 25.08.2009	January & February, 2010

7. The Commissioner of Prohibition & Excise, A.P., Vijayawada has further submitted that, it is evident that the departmental exams of May, 2008, November, 2008 and May, 2009 were conducted in August, 2009. Because of the delay in conduct of exams, the candidate lost opportunities to attend the departmental exams. Hence, the Commissioner of Prohibition & Excise, A.P., Vijayawada has requested to consider the request of Smt. M. Padmavathi, Proh. & Excise Sub-Inspector for extension of the probation period in terms of rule 16(h) of APS&SS Rules.

8. Rule 6 of the A.P. Departmental Test Rules, 1965 is as follows:

"**6. *Notification***: The Andhra Pradesh Service Commission shall issue a notification inviting applications in the Andhra Pradesh Gazette and conduct the tests as per the following programme:

Date of notification in the Gazette	:	Last Thursday of January/July of the year
Last date for receipt of applications	:	1st March/September of the year. **N.B**:- If these days happen to be holidays the next working day may be fixed
Commencement of the examination	:	As in rule (7) below.
Viva-Voce part of the Language tests	:	From 15th June to 30th June and from 15th December to 31st December of each year.
Publication of results in the Andhra Pradesh Gazette	:	On or before last Thursday of July/January of the year."

9. Further, the rule 7 of the A.P. Departmental Test Rules, 1965 is as follows:

> "***7. Periodicity of Examinations***: The departmental tests shall be held every half-year by the Commission beginning from Saturday preceding the second Monday of May and November in a year. If the day on which examination is to be begun happens to be a public holiday, the examination shall be held on the working day immediately preceding that holiday."

10. As per the rule 9(a) of the A.P.Proh. & Excise Subordinate Service Rules issued in G.O.Ms.No.950, Revenue (Ex.I) Department, dt.28.11.1998 is as follows:

> "***9.Probation***: (a) Every person appointed by direct recruitment to any of the posts in this service shall from the date of which he joins duty, be on probation for a total period of (2) years on duty within a continuous period of (3) years."

11. It is observed that Smt. M.Padmavathi, Prohibition & Excise Inspector joined as Prohibition & Excise Sub-Inspector in the Department on 30.03.2005 and the last date for receipt of application for May, 2005 session was 19.03.2005. She has passed the Departmental Tests A, B, C, D in 2006 and Account Test for Executive Officers. The exams, which was scheduled in the Month of May, 2008, November, 2008 and May, 2009 were conducted at a time by the APPSC in the month of August, 2009. She appeared for the May, 2008 Departmental test and passed the Account Test for Subordinate Officers Part-I, which is required for next promotion cadre.

12. Government have carefully examined the matter with reference to the Rules in vogue and observed that there was delay in conducting exam. But even if the chance in which she cleared the Account Test for Subordinate Officers Part-I was conducted as per schedule i.e in May 2008 and results were published by the last Thursday of July 2008 she is eligible for promotion to the said date i.e., 31.07.2008 (Notional date of Publication of results of Departmental Tests if the May 2008 Departmental Tests were conducted as Rule 7 of A.P. Departmental Tests Rules, 1965).

13. In view of the above, Smt. M. Padmavathi is eligible for promotion to the next cadre of Prohibition & Excise Inspector for the panel year 2008-09, if she is otherwise eligible.

14. The Commissioner of Prohibition & Excise, A.P., Vijayawada shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PARADESH)

Dr. RAJAT BHARGAVA,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition & Excise, A.P., Vijayawada.
The individual **through** Commissioner of Prohibition & Excise, A.P., Vijayawada.
Copy to the PS to Spl. C.S. to Govt., Revenue (Excise) Department.
SF/SCs.

//FORWARDED::BY ORDER//

S. E. Aravind

SECTION OFFICER.